

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **BAIL APPLN. 1714/2020**

DEEPAK

..... Petitioner

Through: Mr Vijay Kinger, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI)

..... Respondent

Through: Mr Amit Gupta, APP for State.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

%

27.07.2020

[Hearing held through video conferencing]

1. The petitioner has filed the present petition, *inter alia*, praying that he be released on bail in connection with FIR No.1061/2017 under Sections 452/354/323/174-A/34 of the IPC read with Section 8 of Protection of Children from Sexual Offences Act, 2012 registered with PS Nand Nagri.
2. The said FIR was registered at the instance of one Mr Ujjawal on 17.12.2017. Information was received on 13.12.2017 that a person had been assaulted at Nand Nagri, Delhi. On inquiry, it was revealed that the injured was taken to GTB hospital. The injured was physically assaulted and had suffered "lacerated wound of 1*0.5 cm, 2*0.5 cm, 3*.05 cm and vertex". He was under treatment and, therefore, his statement could not be recorded at the material time. On 17.12.2017, he along with his niece (Ms 'P') came to the police station and the statements were recorded on that date. He alleged

that he was standing outside his house on the date of the incident and the petitioner along with Sunil, Deepak @ Jhanjhi and Manoj came towards him and threatened him. He alleged that they grabbed him. He tried to escape and went inside his house but the accused followed him inside his house. He alleged that Deepak @ Jhanjhi was carrying a pistol in his hand and Sunil and Manoj started beating him. His niece (Ms 'P') came to his assistance but the petitioner kicked at her breast and misbehaved with her.

3. The petitioner states that the concerned parties have since resolved all their disputes with the complainant and his family members in terms of a Settlement Deed dated 26.09.2019. He also states that a petition for quashing of the FIR on the basis of the settlement has been filed and the same is pending.

4. Mr Gupta, learned APP states that although the FIR in question was registered on 17.12.2017, the petitioner was absconding and was finally arrested on 03.12.2019. He also submits that a Settlement Deed has not been entered into with all the family members of the accused.

5. It is seen that the complainant and his niece are signatories to the Settlement Deed, a copy of which is annexed to the present petition.

6. Considering that the petitioner is in custody for almost seven months and none of the injuries suffered are stated to be serious coupled with the fact that there appears to be a settlement between the complainant and the petitioner, this Court considers it apposite to allow the present petition.

7. The petitioner is directed to be released on bail on his furnishing a Personal Bond in the sum of ₹50,000/- with one surety of an equivalent

amount to the satisfaction of the Jail Superintendent/Duty Magistrate. This Court has stipulated a higher sum of bail bond considering the past conduct of the petitioner. This order is also subject to the following further conditions:-

- a) the petitioner shall not leave the National Capital Territory of Delhi without informing the IO/SHO of the concerned police station;
- b) the petitioner shall provide his contact number and ensure that he is reachable on it at all times;
- c) the petitioner shall mark his presence before the concerned police station (PS Nand Nagri) on the first Monday of each calendar month; and
- d) the petitioner shall be available for all proceedings before the concerned court(s).

8. The petition is allowed in the aforesaid terms.

9. A copy of this order be communicated to the concerned Jail Superintendent electronically.

VIBHU BAKHRU, J

JULY 27, 2020
MK